

UNITED STATES DISTRICT COURT

for the
Western District of WashingtonIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

SEE ATTACHMENT A

Case No.

MJ15-388

FILED
LODGED
AUG 21 2015
ENTERED
RECEIVED
AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated herein by reference

located in the Central District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 2251(a), (e); and	Production of Depictions of Minors Engaged in Sexually Explicit Conduct;
18 U.S.C. § 2252(a)(2)	Distribution of Depictions of Minors Engaged in Sexually Explicit Conduct

The application is based on these facts:

See attached Affidavit of Special Agent Ingrid Arbuthnot-Stohl, attached hereto and incorporated herein.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature
SA Ingrid Arbuthnot-Stohl, Affiant, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date:

August 21, 2015

City and state: SEATTLE, WASHINGTON


 Judge's signature
JAMES P. DONOHUE, Chief U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

STATE OF WASHINGTON)
)
 COUNTY OF KING)

I, Ingrid Arbuthnot-Stohl, being duly sworn, state:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge in Seattle, Washington. I have been an Agent with the FBI since December 2010. As part of my daily duties as an FBI agent, I investigate criminal violations relating to child exploitation and child pornography including violations of Title 18, United States Code §§ 2251(a), 2252A, 2422, and 2423. I have received training in the area of child pornography and child exploitation, and have observed and reviewed numerous examples of child pornography in numerous forms of media, including media stored on digital media storage devices such as computers, iPhones, etc. I have also participated in the execution of numerous search warrants involving investigations of child exploitation and/or child pornography offenses. I am a member of the Seattle Internet Crimes Against Children (ICAC) Task Force in the Western District of Washington, and work with other federal, state, and local law enforcement personnel in the investigation and prosecution of crimes involving the sexual exploitation of children.

2. I make this affidavit in support of an application for a search warrant, pursuant to Title 18, United States Code §2251(a) and (e) (Production of Depictions of Minors Engaged in Sexually Explicit Conduct), § 2252(a)(2) (Distribution of Depictions of Minors Engaged in Sexually Explicit Conduct), to search the corporate and billing records of Facebook, Inc. 1601 Willow Road, Menlo Park, California 94025 as they pertain to the user account <https://www.facebook.com/BettyFreak99> for the time period

1 January 1, 2015, to July 31, 2015. The Facebook account that is the subject of this search
2 warrant application is controlled by Facebook Inc. This application seeks a warrant to
3 search the aforementioned Facebook account and seize the items listed in Attachment B,
4 which is attached to this affidavit and incorporated herein by reference for evidence,
5 fruits, and instrumentalities of violations of Title 18, United States Code §2251(a) and (e)
6 (Production of Depictions of Minors Engaged in Sexually Explicit Conduct), §
7 2252(a)(2) (Distribution of Depictions of Minors Engaged in Sexually Explicit Conduct)

8 3. The statements contained in this affidavit are based in part on information
9 provided by law enforcement officials and others known to me, and on my experience
10 and background as a law enforcement officer. Since the affidavit is being submitted for
11 the limited purpose of establishing probable cause, I have not included each and every
12 fact known to me concerning this investigation. I have set forth only the facts that I
13 believe are necessary to establish probable cause to believe that violations of Title 18,
14 United States Code §2251(a) and (e) (Production of Depictions of Minors Engaged in
15 Sexually Explicit Conduct)§ 2252(a)(2) (Distribution of Depictions of Minors Engaged in
16 Sexually Explicit Conduct), have been committed and that the instrumentalities, fruits,
17 and evidence of those crimes will be found in a particular place to be searched.

18 4. The facts set forth in this Affidavit are based on my own personal
19 knowledge; knowledge obtained from other individuals during my participation in this
20 investigation, including other law enforcement officers; review of documents and records
21 related to this investigation; communications with others who have personal knowledge
22 of the events and circumstances described herein; and information gained through my
23 training and experience.

24 II. SUMMARY OF INVESTIGATION

25 5. On July 30, 2015, the National Center for Missing and Exploited Children
26 (NCMEC) received a complaint that stated a person using the Facebook account
27 <https://www.facebook.com/bettyfreak99> (HEREAFTER THE SUBJECT ACCOUNT)
28 had sent at least two images of child pornography to another user via Facebook

1 messenger. "Bettyfreak99's" profile identified the user as "Jody Christine Everett"
2 whose city of residence was Federal Way, Washington.

3 6. On July 31, 2015, the complainant provided screenshots a Facebook
4 messenger chat between "bettyfreak99" and another whose Facebook profile name is
5 "Bogie Mac." The screenshots depicted a naked juvenile male approximately seven (7)
6 to ten (10) years old, based upon the lack of pubic hair, minimal genital development,
7 minimal hip development, and overall body size. One image depicted the juvenile male
8 standing naked with his penis as the focal point of the image. The second image was of
9 presumably the same juvenile male, based upon body markers and items in the
10 background of the picture, with his buttocks exposed as the focal point of the image.

11 7. The images were accompanied by text. The image of the juvenile male's
12 penis include, in part, the following text:

13 *Bogie Mac: "I wanna c u touch it"*

14 *Jody Christine Everett: Can't right now, had to get him dressed tealy [sic] quick*

15 The image of the juvenile male's buttocks include, in part, the following text:

16 *Bogie Mac: "Do it. Touch it a lil"*

17 8. Law enforcement agents conducted open source research that revealed a
18 Judith Everett living in Federal Way, Washington, who was listed as a possible spouse
19 for the registered owner of the phone number provided by the complainant to NCMEC.

20 **III. SUBJECT'S USE OF ELECTRONIC COMMUNICATION SERVICES**

21 9. On July 31, 2015, Detective Raymond Unsworth of the Federal Way Police
22 Department (FWPD) was assigned to investigate a Child Protective Services (CPS)
23 referral that stemmed from the above-described NCMEC complaint. Detective Unsworth
24 contacted JUDITH EVERETT's HUSBAND at the residence and coordinated a forensic
25 interview with the two minor children residing in the home. Due to a death in the family
26 and the HUSBAND being the only person able to drive a vehicle in the family, the two
27 minor children were escorted by CPS and Detective Unsworth to the Federal Way Police
28 Department for forensic interviews.

1 10. MINOR VICTIM 1 (MV1) age thirteen (13) reported JUDITH EVERETT
2 was constantly on line communicating with men and sending naked selfies. MV1 further
3 reported the home computer broke due to having so many viruses and as such JUDITH
4 EVERETT began using her smart phone to communicate with men and take photographs.
5 MV1 reported JUDITH EVERETT took a photograph of MV1 in a swim suit. MV1 was
6 shown two censored photographs described above and confirmed the identity of Minor
7 Victim 2 (MV2), age nine (9) as well as the location the photograph as JUDITH
8 EVERETT's living room. MV2 reported during a forensic interview that JUDITH
9 EVERETT took multiple photographs of him naked that made him feel "funny and
10 embarrassed." MV2 was shown two censored images as described above and identified
11 himself.

12 11. JUDITH EVERETT voluntarily drove to the Federal Way Police
13 Department in Federal Way, Washington with her HUSBAND at the request of Detective
14 Unsworth. JUDITH EVERETT was brought into an unlocked interview room and
15 informed that she was not under arrest and could walk out of the room at any time.
16 JUDITH EVERETT agreed to a recorded interview by both Detective Unsworth and
17 Special Agent Ingrid Arbuthnot-Stohl. JUDITH EVERETT was advised of her
18 constitutional rights and provided a statement. In the audio recorded interview, JUDITH
19 EVERETT stated that she had taken photographs of nine (9) year old MV2's penis and
20 buttocks.

21 12. JUDITH EVERETT stated that she met "Bogie Mac" on Facebook and
22 began an inmate online relationship with him. After about a month, "Bogie Mac" asked
23 her to take pictures of MV1 and MV2. JUDITH EVERETT took naked pictures of nine
24 (9) year old MV2 on at least two occasions and sent them to "Bogie Mac." JUDITH
25 EVERETT stated that she communicated with "Bogie Mac" exclusively via her Samsung
26 Galaxy III mobile telephone. JUDITH EVERETT also stated that she took the pictures
27 of MV2 using the camera on the Samsung Galaxy III mobile telephone.
28

13. In addition to taking naked photographs of MV2 at the direction of "Bogie Mac," JUDITH EVERETT stated that she had had intimate conversations with "Bogie Mac" about MV1 and MV2 that included offering MV1 and MV2 to "Bogie Mac" for sexual purposes if he would travel from Illinois to Washington State to visit. The majority of these conversations occurred using Facebook Messenger through the SUBJECT ACCOUNT.

IV. PAST EFFORTS TO OBTAIN EVIDENCE

26. I understand that the contents of the Facebook account identified in Paragraph 2 can only be obtained, in the Ninth Circuit, by means of a search warrant issued under authority of Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A), 2703(c)(1)(A), and Rule 41(e)(2)(b), Fed. R. Crim. Pro. To my knowledge, there have been no prior search warrants issued regarding Facebook account <https://www.facebook.com/BettyFreak99>.

V. GENUINE RISKS OF DESTRUCTION OF EVIDENCE

27. Based upon my experience and training, it is not uncommon for technically sophisticated criminals to use encryption or programs to destroy data that can be triggered remotely or by a pre-programed event or keystroke, or other sophisticated techniques to hide data. In this case the data we are seeking is stored on a server belonging to Facebook. If that data is accessed and deleted by the user, by deleting content, the content would not be retrievable. Unlike traditional computer forensics where a hard drive can be searched and deleted documents recovered, information stored in an enterprise storage system is irretrievable once it has been deleted. Further, since this information is accessible from anywhere that the suspect can obtain an Internet connection to log on to his account, he can delete this information in a matter of minutes.

VI. PROTOCOL FOR SORTING SEIZABLE ELECTRONICALLY STORED INFORMATION

28. In order to insure that agents are limited in their search only to the Facebook account <https://www.facebook.com/BettyFreak99> in order to protect the

1 privacy interests of other third parties who have accounts with Facebook; and in order to
2 minimize disruptions to normal business operations of Facebook; this application seeks
3 authorization to permit agents and employees of Facebook to assist in the execution of
4 the warrant, as follows: (See: Title 18, United States Code, Section 2703(g)).

5 a. The search warrant will be presented to Facebook, with direction
6 that it identify and isolate the account and associated records described in Section I of
7 Attachment B.

8 b. Facebook will also be directed to create an exact duplicate in
9 electronic form of the account information and records specified in Section I of
10 Attachment B, including an exact duplicate of the content of all messages stored in the
11 specified Facebook account.

12 c. Facebook shall then provide an exact digital copy of the contents of
13 the subject Facebook account, as well as all other records associated with the accounts, to
14 me, or to any other agent of the FBI. Once the digital copy has been received from
15 Facebook, that copy will, in turn, be forensically imaged and only that image will be
16 reviewed and analyzed to identify communications and other data subject to seizure
17 pursuant to Section II of Attachment B. The original digital copy will be sealed and
18 maintained to establish authenticity, if necessary.

19 d. I, and/or other agents of the FBI will thereafter review the forensic
20 image, and identify from among that content those items that come within the items
21 identified in Section II to Attachment B, for seizure. I, and/or other agents of the FBI
22 will then copy those items identified for seizure to separate media for future use in the
23 investigation and prosecution. The forensic copy of the complete content of the
24 Facebook account will also then be sealed and retained by the FBI, and will not be
25 unsealed absent Court authorization, except for the purpose of duplication of the entire
26 image in order to provide it, as discovery, to a charged defendant.

1 e. Analyzing the data contained in the forensic image may require
2 special technical skills, equipment, and software. It could also be very time-consuming.
3 Searching by keywords, for example, can yield thousands of "hits," each of which must
4 then be reviewed in context by the examiner to determine whether the data is within the
5 scope of the warrant. Merely finding a relevant "hit" does not end the review process.
6 Keywords used originally need to be modified continuously, based on interim results.
7 Certain file formats, moreover, do not lend themselves to keyword searches, as keywords
8 search text, and many common electronic mail, database, and spreadsheet applications,
9 (which may be attached to messages,) do not store data as searchable text. The data is
10 saved, instead, in proprietary non-text format. And, as the volume of storage allotted by
11 service providers increases, the time it takes to properly analyze recovered data increases,
12 as well. Consistent with the foregoing, searching the recovered data for the information
13 subject to seizure pursuant to this warrant may require a range of data analysis techniques
14 and may take weeks or even months.

15 f. Based upon my experience and training, and the experience and
16 training of other agents with whom I have communicated, it is necessary to seize all
17 electronic content, chat logs and documents, that identify any users of the subject account
18 and any electronic messages sent or received in temporal proximity to incriminating
19 messages that provide context to the incriminating communications.

20 g. All forensic analysis of the image data will employ only those search
21 protocols and methodologies reasonably designed to identify and seize the items
22 identified in Section II of Attachment B to the warrant.

23 VII. REQUEST FOR NON-DISCLOSURE


24 29. The government requests, pursuant to the preclusion of notice provisions of
25 Title 18, United States Code, Section 2705(b), that Facebook be ordered not to notify any
26 person (including the subscriber or customer to which the materials relate) of the
27 existence of this warrant for such period as the Court deems appropriate. The
28 government submits that such an order is justified because notification of the existence of

1 this Order could jeopardize the ongoing investigation by alerting JUDITH EVERTT to
 2 the search warrant and allow her to seek to destroy, alter, or delete evidence or potentially
 3 influence witnesses.

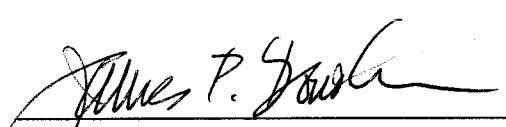
4 VIII. CONCLUSION

5 31. Based upon the evidence gathered in this investigation and set out above,
 6 including but not limited to my review of data and records, information received from
 7 other law enforcement agents, and my training and experience, there is probable cause to
 8 believe that evidence, fruits and/or instrumentalities of the crimes of Title 18, United
 9 States Code §2251(a) and (e) (Production of Depictions of Minors Engaged in Sexually
 10 Explicit Conduct)§ 2252(a)(2) (Distribution of Depictions of Minors Engaged in Sexually
 11 Explicit Conduct), communications contained and associated with the Facebook account
 12 <https://www.facebook.com/BettyFreak99>.

13 Accordingly, by this Affidavit and Warrant I seek authority for the government to search
 14 all of the items specified in Section I, Attachment B (attached hereto and incorporated by
 15 reference herein) to the Warrant, and specifically to seize all of the data, documents and
 16 records that are identified in Section II to that same Attachment.

17
 18
 19 
 20 Ingrid Arbuthnot-Stohl, Affiant
 21 Special Agent
 22 Federal Bureau of Investigations

23
 24 SUBSCRIBED and SWORN to before me this 21st day of August, 2015.

25
 26 
 27 JAMES P. DONOHUE
 28 Chief United States Magistrate Judge

ATTACHMENT A

Place to be Searched

The electronically stored information and communications contained in, and associated with Facebook account <https://www.facebook.com/BettyFreak99>, as well as Facebook corporate and billing records associated with User ID numbers <https://www.facebook.com/BettyFreak99>, which are located at the premises owned, maintained, controlled or operated by Facebook, headquartered at Facebook Inc., 1601 Willow Road, Menlo Park, California 94025.

ATTACHMENT B

Section I - Items to be to be Provided by Facebook for Search

For the time period January 1, 2015, to July 31, 2015, any and all records as they pertain to <https://www.facebook.com/BettyFreak99> to include but not limited to

A: Basic Subscriber Information including:

- User Identification Number;
- Email addresses;
- most recent logins;
- registered mobile phone numbers.

B. Expanded Subscriber Content:

- Profile Content Information;
- Status update history;
- Shares;
- Notes;
- Wall postings;
- Listings with Friend's Facebook IDs;
- Group listings with Facebook Group ID numbers;
- Future and past events;
- Video listings with filename;
- User photos;
- Group Information;
- Private messages.

Section II - Items to be Seized

From the Facebook account <https://www.facebook.com/BettyFreak99>:

a. All messages, documents, and profile information, attachments, or other data that serves to identify any persons who use or access the account specified or related accounts, or who exercise in any way any dominion or control over the specified account;

b. All outgoing and incoming (sent, received, opened or unopened) messages, chat text, wall postings, photographs, videos or other combinations as well as Facebook records, that contain information regarding <https://www.facebook.com/BettyFreak99> past, present or future residences, past present of future locations, past or future travel itineraries, and future travel plans;

c. friend lists or contact lists associated with the specified account;